

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

LEBERT A. GORDON,

Petitioner,

v.

CIVIL ACTION NO. 1:07CV85
(Judge Keeley)

WARDEN at USP HAZELTON,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION

On April 23, 2007, Lebert A. Gordon ("Gordon"), the pro se petitioner, filed an Application for Habeas Corpus Pursuant to 28 U.S.C. § 2241 and a Petition for a Writ of Mandamus in the United States District Court for the District of Columbia. That Court determined that Gordon's exclusive remedy was a writ of habeas corpus and therefore dismissed his petition for a writ of mandamus and transferred the case to this Court. The motion was referred to United States Magistrate Judge James E. Seibert for initial review.

On October 11, 2007, the respondent filed a motion to dismiss. On June 19, 2008, the Magistrate Judge entered a Report and Recommendation ("R&R") recommending that this Court grant the respondent's motion, deny the petition, and dismiss this case with prejudice. On June 30, 2008, Gordon filed objections to the R&R.

This Court reviews any objections to the Report and Recommendation de novo but may adopt any parts of the R&R not objected to without detailed review. Gordon's failure to object to the recommendation on an issue results in the waiver of his appellate rights on that issue.

ORDER ADOPTING REPORT AND RECOMMENDATION

Reviewing the statutory and case law de novo, the Court finds that the Magistrate Judge properly applied the controlling legal standard from D.C. Code § 24-221.06 in determining that Gordon is not entitled to receive good time credits towards the twenty-year mandatory minimum portion of his sentence. The Bureau of Prisons has calculated his good time credits properly.

Consequently, this Court **ADOPTS** Magistrate Judge Seibert's Report and Recommendation in its entirety (dkt. no. 21), **GRANTS** the respondent's motion to dismiss (dkt. no. 13), **DENIES** the petition (dkt. no. 4), and **DISMISSES** this case **WITH PREJUDICE**. The Clerk is ordered to **STRIKE** this case from the Court's docket.

It is so **ORDERED**.

The Clerk is directed to mail a copy of this Order to the petitioner by certified mail, return receipt requested, and electronically transmit copies of this Order to all counsel of record and appropriate agencies.

Dated: July 3, 2008.

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE